

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Timothy Hastings,	:	Case No. 1:06-cv-418
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
Asset Acceptance, LLC, et al.,	:	
	:	
Defendants.	:	

ORDER

Before the Court are Defendants' objections to the Report and Recommendation of Magistrate Judge Hogan. The Magistrate Judge's Report (Doc. 34) recommends that this Court grant Plaintiff's motion for expenses under Fed. R. Civ. P. 37(a)(4). That motion was filed after the Magistrate Judge granted Plaintiff's motion to compel discovery. The Magistrate Judge's Report correctly notes that Rule 37(a)(4) requires the Court to award expenses, unless the court finds that the opposing party's objections were "substantially justified," or that an award would be "unjust." The Magistrate Judge concluded that the objections were not substantially justified, and that an award would not be unjust.

Defendants object to the Report and Recommendation, repeating arguments they made in opposing Plaintiff's original motion to compel. Defendants label Plaintiff's discovery requests as a "fishing expedition," and contend that the only

"relevant" discovery is whether or not the statute of limitations had expired on Mr. Hastings' underlying debt when Defendants filed a collection action against him.

On a non-dispositive issue, such as this discovery dispute, this Court may reverse a magistrate judge's order only if it is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). In this case, the Court cannot conclude that the Magistrate Judge clearly erred in granting the motion to compel and recommending an award of fees. And such an award is not contrary to law.

The Court therefore ADOPTS the Report and Recommendation. Plaintiff's motion for expenses (Doc. 21) is GRANTED. Plaintiff shall submit an affidavit supporting his request for \$1,633.73 in expenses no later than September 10, 2007.

SO ORDERED.

DATED: September 4, 2007

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court